## IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF TENNESSEE NASHVILLE DIVISION

)	
)	
)	
)	
)	
)	Case No. 3:07-0444
)	Judge Trauger
)	
)	
)	
)	
	) ) ) ) ) ) ) ) )

## **ORDER**

For the reasons expressed in the accompanying Memorandum, the defendant's Motion to Dismiss Count Three of the Complaint (Docket Entry No. 16) is **GRANTED**. Count Three of the Complaint is **DISMISSED**.

It is so ordered.

Enter this 4<sup>th</sup> day of December 2007.

ALETA A. TRAUGÉR United States District Judge